

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

U.S. BANKRUPTCY COURT X
NORTHERN DISTRICT OF IOWA

JAN 16 1996

BARBARA A. EVERLY, CLERK

In re:

JERRY WAYNE SEARS,
Debtor.

) Chapter 7
) Bankruptcy No. 94-50981XS
)

CONSTANCE MATALONI and
ROBERT E. GRIFFIN, as Executors
of the Estate of Betty J.
Griffin, Deceased,

Plaintiffs,

vs.

) Adversary No. 94-5133XS
)

JERRY WAYNE SEARS,
Defendant.

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing, pursuant to compromise between the parties,

IT IS ORDERED, ADJUDGED, AND DECREED that the debt of Jerry Wayne Sears to the estate of Betty J. Griffin in the amount of \$52,040.08 plus interest at 12% per annum from May 29, 1992, plus costs in this proceeding is hereby determined to be nondischargeable.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Constance Mataloni and Robert E. Griffin, as executors of the estate of Betty J. Griffin, do have judgment for \$52,040.08 plus interest at 12% per annum from May 29, 1992, against the debtor, Jerry Wayne Sears, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the judgment of this court shall in no way affect, prejudice, or jeopardize the plaintiffs' claims asserted against the Denman & Company, Sign Graphics, Inc., and Jerry W. Sears, C.P.A., P.C. in an action

pending in the Iowa District Court in and for O'Brien County,
Iowa.



BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Larris Slegle*
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]
Date of Issuance: January 16, 1996

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 16 1996

BARBARA A. EVERLY, CLERK

IN RE:

CHAPTER 7 BANKRUPTCY

JERRY WAYNE SEARS, 479-54-6339
dba ARGONAUT MARKETING INC.

CASE NO. 94-50981 XS
Filed: 06/13/94

Debtor.

CONSTANCE MATALONI AND ROBERT
E. GRIFFIN, AS EXECUTORS OF THE
ESTATE OF BETTY J. GRIFFIN,
DECEASED,

Adversary No. 94-5133XS

Plaintiffs,

vs.

JERRY WAYNE SEARS,

Defendant.

JUDGMENT DETERMINING DEBT TO BE NON-DISCHARGEABLE

On the 9th day of September, 1994, the plaintiffs herein, Constance Mataloni and Robert E. Griffin, as executors of the estate of their mother, Betty J. Griffin, deceased, filed their petition seeking a determination that the debt owing the estate by the debtor herein, Jerry Wayne Sears, was nondischargeable on two grounds—namely, a) that the debt was obtained as a result of false pretenses, false representation, or actual fraud; and b) that the debt was obtained by fraud or defalcation while the debtor was acting in a fiduciary capacity.

In an attempt to resolve the issues pending in the adversary proceeding, and to avoid the impending trial scheduled to commence the 28th day of November, 1995, on November 21, 1995, the debtor agreed as follows:

- a) To pay the plaintiffs the sum of \$15,000.00 cash or cash equivalent on the 5th day of December, 1995; and
- b) To pay the sum of \$15,000.00 amortized over a three year period in monthly installments commencing the 1st day of January, with interest to accrue at the rate 12 percent per annum;

- c) In the event in a default under either a) or b) above, to allow judgment to issue from this court in favor of the plaintiffs and against the debtor for:
- i) the entire sum of the debt in question, plus interest at 12 percent per annum from May 29, 1992, and costs; and
 - ii) the requested determination that the debt evidenced by said judgment is nondischargeable.

The court has been advised that the debtor, Jerry Wayne Sears, has failed to make the payment due December 5, 1995, as agreed and, accordingly, is in default of the agreement resolving the adversary proceeding.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the debt of Jerry Wayne Sears to the estate of Betty J. Griffin in the amount of \$52,040.08 plus interest at 12% per annum from May 29, 1992, plus costs in this proceeding is hereby determined to be nondischargeable. It is further

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ORDERED ADJUDGED AND DECREED that the judgment of this court shall in no way affect, prejudice, or jeopardize the plaintiffs' claims asserted against the Denman & Company, Sign Graphics, Inc., and Jerry W. Sears, C.P.A., P.C. in an action pending in the Iowa District Court in and for O'Brien County, Iowa.

Dated: Jan 16, 1996

W. J. Honken
United States Bankruptcy Judge

Approved as to form:

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ATTORNEY FOR DEBTOR

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USTrustee (with judgment)
on 1/16/96, 1s

U.S. BANKRUPTCY COURT X
NORTHERN DISTRICT OF IOWAUNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 16 1996

BARBARA A. EVERLY, CLERK

IN RE:

CHAPTER 7 BANKRUPTCY

JERRY WAYNE SEARS, 479-54-6339
dba ARGONAUT MARKETING INC.CASE NO. 94-50981 XS
Filed: 06/13/94

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Adversary No. 94-5133XS

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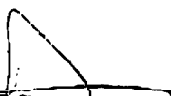
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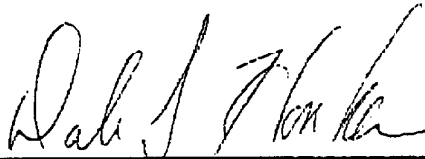
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Dated: Jan 12, 1996
United States Bankruptcy Judge

Approved as to form:


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USttrustee (with judgment)
on 1/16/96, ls